

## REMARKS

Claims 1,3,5-22,24,26-43,45 and 47-63 are presently pending in the application. Of these, Claims 1,22 and 43 are independent. Claims 1, 22 and 43 have been amended. The amendments to Claims 1, 22 and 43 merely provide a minor clarification and present no new matter. No new search should be needed based on a single change of “a” to “the” in the amended claims. No Claims have been cancelled. Thus, Claims 1,3,5-22,24,26-43,45 and 47-63 are pending and at issue.

### 35 USC 102 Rejections

Claims 1,3, 5-22, 24, 26-43,45, 47-63 stand rejected under 35 USC 102(b) as anticipated by Hsu, “A Robust Foundation for Binary Translation of X86 Code”, 1997. Applicants respectfully traverse this rejection, and the assertion and determinations therein, for at least the following reasons.

Amended Claim 1 recites, in part, “dividing a region of memory containing said subject code into at least one subject instruction group of subject addresses” where the subject instruction group includes “one or more ranges of subject code addresses in said memory which are affected by a respective self-modifying code event” and “generating translated target code for a basic block of the subject instruction group”. Hsu generally involves a discussion of binary translation of code, and, in particular “*implements a self-modifying code detector to prevent the binary translator from translating self-modifying code* [emphasis added]”. Hsu, p. 3. Hsu does not teach or suggest these elements of amended Claim 1 for at least the following reasons. Claim 1 recites, in part, “dividing a region of memory” into “at least one subject instruction group” where the subject instruction group is “affected by a respective self-modifying code event” and then “generates translated target code for a basic block of the subject instruction group”. In contrast to Claim 1’s specific recitation of generating translated target code for code affected by a self-modifying event, Hsu specifically and repeatedly indicates that Hsu attempts to detect self-modifying *only so that Hsu can avoid translating it*. Hsu, p. 3, p. 55 (“The translator needs to detect self-modifying code in order to determine whether or not it should be invalidated”) and p. 62 (“[t]he translator may still translate those

segments which are *not* self-modifying [emphasis added]”). Hsu specifically avoids self-modifying code because *Hsu can not handle self-modifying code and detects self-modifying code only to avoid it*, thus, Claim 1’s recitation of translating such self-modifying code clearly can not be anticipated by Hsu based on Hsu’s repeated indication that self-modifying code cannot be translated. Applicants respectfully note that a 102 reference must teach or suggest every element of the claim. Indeed, Hsu would teach away from even a 103 rejection as translating self-modifying code would break Hsu’s principles of operation and be faced with the significant teaching away from translating self-modifying code by Hsu.

Thus, Applicants respectfully submit that independent Claim 1 is allowable over Hsu. Therefore, Applicants respectfully request allowance of independent Claim 1.

Amended independent Claims 22 and 43 recite elements analogous to those of amended independent Claim 1. Thus, Applicants respectfully submit that independent Claims 22 and 43 are allowable over Hsu for reasons similar to those discussed in association with Claim 1. Therefore, Applicants respectfully request allowance of independent Claims 22 and 43.

Dependent Claims 3 and 5-21 depend from independent Claim 1. Dependent Claims 24 and 26-42 depend from independent Claim 22. Dependent Claims 45 and 47-63 dependent from independent Claim 43. Claims 1, 22 and 43 have been shown above to be allowable. Thus, Applicants respectfully submit that dependent Claims 3, 5-21, 24, 26-42, 45 and 47-63 are allowable as depending from an allowable base claim and as defining further distinctions over the cited references. Therefore, Applicants respectfully request allowance of dependent Claims 3, 5-21, 24, 26-42, 45 and 47-63.

## **CONCLUSION**

Having now responded to each rejection set forth in the present Office Action, Applicant respectfully submits that all claims now pending are in condition for allowance and respectfully requests such allowance.

The 3-month shortened statutory period for Response to the current Official Action expired on August 13, 2009. Thus, Applicants request a one-month extension of time to file this Response timely by September 13, 2009 and will be paid for with this filing via the deposit account of IBM Corporation, Deposit Account No. 09-0447. As September 13, 2009, falls on a Sunday, this response is timely filed on Monday, September 14, 2009. It is believed that no other fees are due with the filing of this Amendment/Response. However, should any additional fees be due, or any overpayments to be repaid, the Commissioner is hereby authorized to charge or repay such fees to the deposit account of IBM Corporation, Deposit Account No. 09-0447.

Respectfully submitted,

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